

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

FILED-CLERK  
U.S. DISTRICT COURT  
2007 JUN -4 PM 4:09  
TEXAS-EASTERN

ANTHONY J. BALISTRERI

卷之三

BY

Plaintiff,

CASE NO. 4:06cv129

v.

METROPOLITAN LIFE  
INSURANCE COMPANY,

Defendant.

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On May 14, 2007, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Voluntary Dismissal without Prejudice be GRANTED and that the above titled and numbered cause of action be DISMISSED WITHOUT PREJUDICE and that Plaintiff should pay all <sup>his</sup> ~~its~~ costs and all costs incurred by Defendant herein.

The Court, having made a *de novo* review of the objections raised by Defendant and by the Plaintiff regarding the awarding of costs to Defendant, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Defendant and Plaintiff are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

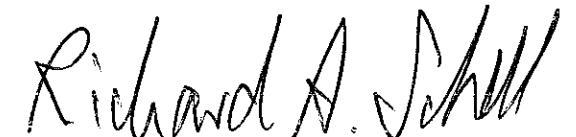
It is, therefore,

**ORDERED** that the Plaintiff's Motion for Voluntary Dismissal without Prejudice is  
**GRANTED** and the Plaintiff's case is **DISMISSED WITHOUT PREJUDICE**.

It is further,

**ORDERED** that Plaintiff pay all <sup>his</sup> ~~its~~ costs and all costs incurred by Defendant herein.

SIGNED this 1<sup>st</sup> day of June, 2007.

  
\_\_\_\_\_  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE